



## SB-1303 Coroner: county office of the medical examiner. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

### SENATE BILL

**NO. 1303**

**Introduced by Senator Pan**  
**(Coauthor: Assembly Member Gonzalez Fletcher)**

**February 16, 2018**

An act to amend Sections 24000, 24009, and 24010 of the Government Code, relating to local government.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1303, Pan. Coroner: county office of the medical examiner.

Existing law specifies the officers of a county, including, but not limited to, the coroner. The California Constitution requires that certain county officers, other than the coroner, be elected. Existing statutory law requires that certain other county officers are to be elected, but establishes a process by which those offices that are required by statute to be elected may be converted to offices appointed by the board of supervisors.

Existing law authorizes the board of supervisors to abolish the office of coroner and provide instead for the office of medical examiner, to be appointed by the board and to exercise the powers and perform the duties of the coroner and requires that the medical examiner be a licensed physician and surgeon duly qualified as a specialist in pathology.

Commencing July 1, 2020, this bill would, for counties with a population of 500,000 or greater, excluding a county that has adopted a charter, require that the office of the coroner or the sheriff-coroner's office, as applicable, either be replaced with an office of the medical examiner to exercise the powers and perform the duties of the coroner without a public vote or election, or adopt a policy requiring referral of death investigations to a county that has implemented an office of medical examiner for any case when there is a potential conflict of interest for the office of the coroner or the sheriff-coroner's office, as specified. By

requiring that counties comply with these requirements, this bill would impose a state-mandated local program. The bill would require that the office of medical examiner operate independently from any other county agency or official in the conduct of autopsies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 24000 of the Government Code is amended to read:

**24000.** The officers of a county are:

- (a) A district attorney.
- (b) A sheriff.
- (c) A county clerk.
- (d) A controller.
- (e) An auditor, who shall be ex officio controller.
- (f) A treasurer.
- (g) A recorder.
- (h) A license collector.
- (i) A tax collector, who shall be ex officio license collector.
- (j) An assessor.
- (k) A superintendent of schools.
- (l) A public administrator.
- (m) A coroner or medical examiner.
- (n) A surveyor.
- (o) Members of the board of supervisors.
- (p) A county veterinarian.
- (q) A fish and game warden.
- (r) A county librarian.
- (s) A county health officer.
- (t) An administrative officer.
- (u) A director of finance.
- (v) A road commissioner.
- (w) A public guardian.
- (x) A chief probation officer.
- (y) Those other officers as are provided by law.

**SEC. 2.** Section 24009 of the Government Code is amended to read:

**24009.** (a) Except as provided in subdivision (b), the county officers to be elected by the people are the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, public administrator, and coroner.

(b) Except for those officers named in subdivision (b) of Section 1 of Article XI of the California Constitution, any county office that is required to be elective may become an appointive office pursuant to this subdivision. In order to change an office from elective to appointive, a proposal shall be presented to the voters of the county and approved by a majority of the votes cast on the proposition. A proposal shall be submitted to the voters by the county board of supervisors or it may be submitted to the voters pursuant to the qualification of an initiative petition as provided in Chapter 2 (commencing with Section 9100) of Division 9 of the Elections Code. Any county office changed from elective to appointive in accordance with this subdivision may be changed back from appointive to elective in the same manner.

(c) In counties that have a medical examiner in lieu of a coroner pursuant to Section 24010, the medical examiner shall be appointed as set forth in Section 24010.

**SEC. 3.** Section 24010 of the Government Code is amended to read:

**24010.** (a) Notwithstanding any law, in counties with a population of less than 500,000, or in a county of any population that has adopted a charter, the board of supervisors may by ordinance abolish the office of coroner and provide instead for the office of medical examiner, to be appointed by the board and to exercise the powers and perform the duties of the coroner. The medical examiner shall be a licensed physician and surgeon duly qualified as a specialist in pathology.

(b) (1) Notwithstanding any law, in counties with a population of 500,000 or greater, but excluding a county that has adopted a charter, the office of the coroner or the sheriff-coroner's office, as applicable, shall, commencing July 1, 2020, either be replaced with an office of medical examiner to exercise the powers and perform the duties of the coroner without a public vote or election, or adopt a policy requiring referral of death investigations to a county that has implemented an office of medical examiner for any case when there is a potential conflict of interest for the office of the coroner or the sheriff-coroner's office, including, but not limited to, law enforcement officer-related deaths, deaths of family members of law enforcement officers, deaths related to the coroner's or sheriff-coroner's family, or deaths related to employees of those offices or family members of those employees.

(2) The office of medical examiner shall be headed by a chief medical examiner appointed by the board of supervisors of the county or by the county executive officer. The chief medical examiner shall meet all of the following requirements:

(A) He or she shall be a physician and surgeon licensed to practice medicine in this state, or an osteopathic physician and surgeon licensed to practice osteopathic medicine in this state.

(B) He or she shall be in good standing with the Medical Board of California or the Osteopathic Medical Board of California.

(C) He or she shall be a board-certified forensic pathologist certified by the American Board of Pathology.

(D) He or she shall have practiced forensic pathology for at least three years following board certification.

(3) The chief medical examiner shall hire and supervise deputy medical examiners and other support staff as necessary to administer the office.

(c) Notwithstanding any law, whenever the term "coroner" is used, it shall be deemed to include the medical examiner for counties that have a medical examiner pursuant to this section.

(d) Notwithstanding any law, the office of medical examiner shall operate independently from any other county agency or official in the conduct of autopsies, including, but not limited to, exercising professional judgment to make determinations of cause and manner of death. This subdivision does not limit the authority of the board to supervise the conduct of the chief medical examiner pursuant to Section 25303.

**SEC. 4.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.